

Thornhill, February 5, 2023

To: Markham City Mayor and Councillors:

Re: Rejecting Thornhill Square Settlement Agreement (“Settlement”) between City of Markham and Appellant, Timbercreek Four Quadrant GP2 Inc. as presented to the Ontario Land Tribunal on October 13, 2023, Case No. OLT-22-003917

We are deeply disappointed that on October 13, 2023, at the Ontario Land Tribunal (OLT) hearing, the City of Markham (City) agreed to a Settlement that keeps the developer's version of the proposal intact in all key aspects, except for one item— namely, the holding clause on sanitary capacity remediation until a satisfactory solution is agreed upon.

The City yielded to the developer despite the many years of thoughtful, thorough and reasonable public input by concerned citizens living in and around the area known as Thornhill Centre, and despite the clear warning of **overdevelopment and lack of sufficient commercial/retail services** provided by the City’s own Urban Planning Expert Witness, Mr. Alan Ramsey (City’s Expert Witness).

The real issue here is that development applications around the area of Bayview & John are being processed in the absence of any comprehensive plan. An examination of Markham's 2020-23 Strategic Plan clearly shows that the City is not fulfilling its Strategic Plan commitments and its stated goal of achieving a “**safe, sustainable and complete community**” as it applies to the Bayview & John area. The plan promises to be “the blueprint for how City Council and Senior Staff will make thoughtful decisions.”

Yet, at Bayview & John, we watch in despair as the City accepts decisions that go against planning objectives, endorse misleading information that is unverified by studies, and ignore public input.

In his testimony, Mr. Goldberg himself (the developer’s planning expert) emphasized that the City did not request any studies (from the developer) concerning “community services and facilities impacts” or “commercial/retail needs assessment.” Nor does the City have any standard requirements for commercial/retail space in a redeveloped plaza. Mr. Goldberg then concluded, “Consider yourself lucky to get as much commercial/retail space as was included,” showing his lack of consideration for the community.

Markham appears to have given preference to the developer’s profit-driven overdevelopment over its impact on, and needs of, the community. Ward 1 intensification and population are expected to grow by over 200% in the coming years. By itself, the redevelopment of Thornhill Square will increase the area population by 10% (over 1,200 people), while community service levels for libraries, parks, the community centre, and public schools remain the same. Additionally, with the reduced amount of retail and commercial space, Thornhill Square will offer less capacity to meet the needs of a growing local population, requiring residents to drive outside the area, and thus impeding Markham’s complete communities strategic goal.

Built Form considerations are being ignored as well—specifically, the building height is 4 storeys above the tallest buildings in the area (Landmark and Tridel’s Royal Bayview) , representing not only a mismatch with the area’s environment but also a degree of height creep that sets a dangerous precedent for future development applications.

This development project will lead to the addition of approximately 1,000 cars, plus about another 1,000 cars from the Romfield Plaza proposal just 1 km north and approximately 350 cars from Tridel’s Royal Bayview development —exacerbating already stressed traffic congestion, without any planned remediation.

The resulting extensive overflow of traffic onto Bayview Avenue from the planned massive developments along Yonge Street and on Langstaff/Bridge TOC is obvious to any layperson, but is being completely omitted from the City’s traffic impact considerations.

At the OLT hearing, the City chose not to challenge “evidence” presented by the Appellant’s Expert Witness, Mr. Goldberg, who referred to a future Green Lane GO Station and bus rapid transit running on HOV lanes on Bayview. Nor did the City object when Mr. Goldberg claimed that Bayview Avenue and John Street are 6-lane roads. For details about the inaccuracy of such “evidence,” please refer to our [letter dated 06/Nov/2023 titled “Correcting inaccurate information entered into evidence at the Ontario Land Tribunal Hearing Case No. OLT-22-003917, held Friday October 13, 2023.”](#)

All this is being accepted by the City while Thornhill Centre remains—and will remain in the future—an area with limited transit services for the following reasons:

- There is no future high-order transit planned for the area:
 - Metrolinx has no plans for a GO Station at Green Lane on the CN Richmond Hill Line;
 - York Region has no plans for the widening of Bayview Avenue south of Hwy 7.
- The area lacks acceptable access to higher-order transit alternatives via public transit, car, or walking due to
 - almost 3 km walking distance from any existing or future higher-order transit options;
 - unprotected, risky access to Hwy 7 BRT when walking across the 600 m Bayview Bridge over Hwy 407 & Hwy 7;
 - 2-lane road capacity limitations between Bayview & Yonge;
 - infrequent transit service;
 - lack of options for reaching the Langstaff GO Station.

The City has agreed to another one-off application without any consideration for the cumulative traffic impacts upon Ward 1 of the many nearby new developments—as set out above.

To summarize, AWRA cannot in good conscience support the Settlement for the following reasons:

- It will lead to overdevelopment* of the subject land and incompatibility with the character of the area.
- It will result in the reduction of much-needed local retail/commercial service levels for a growing community.
- It will cause increased demand on already-strained community services.
- It is founded on non-existent or unrealistic high-order transit options and misrepresented road capacities.
- It sets a dangerous precedent for what would be considered acceptable standards for urban planning for future development in the Bayview & John area.
- It diverges from Markham's 2020-23 Strategic Plan for “Safe, Sustainable, and Complete Communities.”
- It departs from the urban development principles required to achieve a Complete Community in that it does not ensure a livable area.
- The results of public consultation were ignored, and public input from well-informed, concerned citizens was dismissed.
- At the OLT hearing, the Appellant's Expert Witness's “evidence” went uncontested by the City even though it contained factual errors and unsubstantiated claims, setting a dangerous precedent of incorrect facts being presented to the Ontario Land Tribunal.

We request that our City officials and elected officials at Development Services Committee and Council reconsider this Settlement agreement and take the steps necessary to produce a negotiated and reasonable solution for the parties and the residents.

Further, we are asking our City officials to fulfill the promise of transforming Thornhill Centre into an enviable world-class focal point for the surrounding Ward 1 community and all Markham residents, thereby ensuring it becomes a safe, sustainable, and complete community, based upon best-in-class urban planning principles. The truly thoughtful decisions required to achieve this promise could begin with Mayor Scarpitti and Councillor Irish's plan for a Visioning Exercise that should include all stakeholders and also incorporate its findings into the coming update of the Markham Official Plan.

Thank you for your consideration,
Louis Olivera - President
on behalf of the Executive Board
Aileen-Willowbrook Residents Association Inc.

Cc:
Development Services Committee
Arvin Prasad, Commissioner Development Services
Giulio Cescato, Director, Planning & Urban
Claudia Storto, Markham City Solicitor
Markham Clerks

***Aug 31, 2023 Witness Statement of Mr. Alan Ramsey**

Statement #59

“The proposed development with its increased height, massing and scale will not result in an appropriate built form that is well designed, encourages a sense of place or provides high quality, safe, accessible, attractive and vibrant public spaces...

[I]n particular, the larger buildings will not fit harmoniously with the surrounding context, will not be well integrated into the streetscape along Green Lane and will not contribute to a sense of place within the established setting.”

Statement #96.

“The proposed 17- and 19-storey buildings (Building B and Building A, respectively) along the Green Lane frontage and the 12-storey building (Building C) located in the interior of the site are not compatible with the surrounding area context. These buildings are too tall and do not fit with the mid-rise built form intended for the area.”

Statement #107.

“The Proposed OPA and Proposed ZBA would permit an overdevelopment of the site, are not in keeping with the character of the area and will be incompatible with the existing and planned uses located adjacent to the site.”